

REMARKS/ARGUMENTS

Reconsideration of this application and entry of the foregoing amendments are respectfully requested.

The Examiner's indication that claims 1-4 and 9 are allowable is noted. Claims 5-7 have been cancelled, not because Applicants agree with any view expressed by the Examiner but merely to advance prosecution. Claim 23 has been amended to depend from only claim 1 or 9 – thus claim 23 as presented is believed to be allowable. Likewise claims 31-33 now depend only from claim 1, 9 or 23 and thus are believed to be allowable.

Method claim 25 has also been amended to depend only from claim 1, 9 or 23.

Given the allowance of product claims 1 and 9, and revision of product claim 23 to depend only therefrom, the Examiner is urged to rejoin and allow method claim 25 as presented.

Claims 5-8, 23 and 31-33 sand rejected under 35 USC 112, first paragraph, as allegedly lacking written description. Withdrawal of the rejection is submitted to be in order in view of the above-noted claim revision of claims 23 and 31-33 and cancellation of claims 5-7 and further in view of the comments that follow.

Claim 8 has been amended so as to be placed in independent form. The claim recites a percent homology of 95% and the specification provides an algorithm for use in making the determination. Given the high level of homology and clear support for making the determination, the Examiner is urged to reconsider and withdraw the rejection.

KORNBLUTH et al
Appl. No. 09/924,102
June 18, 2004

This application is submitted to be in condition for allowance and a Notice to that effect is requested.

Respectfully submitted,

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